In the High Court of Judicature at Madras

Dated: 03.02.2007

Coram:

The Honourable Mr.Justice P.SATHASIVAM

and

The Honourable Mr.Justice N. PAUL VASANTHAKUMAR

Writ Petition No.5350 of 2006

W.P.M.P.No.5734 of 2006

Millennia Realtors Pvt. Ltd.,
rep. by its Director Raj A.Menda,
"The Millenia" Tower B, Level 12-14,
1 & 2, Murphy Road, Ulsoor,
Bangalore-560 008. .. Petitioner

Vs..

1.The State of Tamil Nadu,
rep. by its Secretary,
Housing and Urban Development
Department, Fort St. George,
Chennai-600 009.

2.The Member Secretary,
Chennai Metropolitan Development
Authority, No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008. .. Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Declaration declaring Rule 19(b) III B of the Development Control Rules and also Rule 7 of the Rules for Information Technology Park contained in Annexure-XV of the Development Control rules, as ultra vires the Tamil Nadu Town and Country Planning Act, 1971, illegal, unconstitutional and unenforceable inasmuch as it relates to the demand of Security Deposit and Caution Deposit for the proposed development in so far as the petitioner is concerned and Consequently to direct the second respondent to issue Planning Permission on the application of the petitioner without insisting on payment of a total sum of Rs.2,93,18,000/- as Security Deposit and a sum of Rs.6,61,20,000/- as Caution Deposit in terms of Letter No.C3/16042/2005 dated 15.02.2006 on the file of the second respondent.

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For Petitioner : Mr.R.Senthil Kumar
For1st respondent : Mr.V.Viswanathan,
Addl. Government Pleader
For 2nd Respondent : Mr.J.Ravindran for CMDA

ORDER

(Order of the Court was made by P.SATHASIVAM,J.)
Heard both sides.

2. On 27.02.2006, the learned single Judge has passed the following order in WPMP No.5734 of 2006 in W.P.No.5350 of 2006:

> "Under similar circumstances, this Court in WPMP No.24184 of 2004 in W.P.No.20097 of 2004 dated 11.08.2004, has granted interim direction. Considering the same, there will be interim direction as prayed for on condition that the petitioner furnishes bank guarantee for the amount demanded under the caption "Caution Deposit" as well as for the amount demanded under the caption "Security Deposit". The bank guarantees shall be kept in force for a period of five years so far as it relates to the caution deposit is concerned and in so far as it relates to the security deposit, it shall be kept in force till the completion of the building. Notice."

3. In view of the above direction, the petitioner is not pressing the main relief prayed for in the writ petition. The petitioner is at liberty to challenge the same at the appropriate time, if need arises.

4. In view of the conditions stated in the order dated 27.02.2006, we dispose of the main writ petition on the same terms. No costs. Consequently, WPMP No.5734 of 2006 is closed.

Sd/-
Asst. Registrar.

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Sub Asst. Registrar.

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To

1.The Secretary,State of Tamil Nadu,
Housing and Urban Development
Department, Fort St. George,
Chennai-600 009.

2.The Member Secretary,
Chennai Metropolitan Development
Authority, No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

1 cc to Mr.J. ravindran, Sr. 6783
1 cc to Government Pleader, sr. 6393

W.P No.5350 of 2006

MRD (CO)
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